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May 14, 2018

Via ECF

Honorable Lois Bloom, U.S.M.J.
U.S. District Court for the Eastern District of New York
22 Cadman Plaza East
Brooklyn, New York 11201

Re: *Steven Barger v. First Data Corporation et al.*
Civil Case No. 1:17-cv-4869
Request for Adjournment and Cancellation of Teleconference Hearing
Scheduled for May 18, 2018

Dear Judge Bloom:

On May 11, 2018, the Court ordered the parties to meet and confer, and if those conferences were not successful to appear on telephonic hearing on May 18, 2018 to address the issues raised in Defendant First Data's Motion for Protective Order [ECF No. 43] and Plaintiff's Response [ECF No. 44].

On May 13, 2018, Plaintiff's counsel, by letter and e-mail, advised all appearing counsel that the Notice of 30(b)(6) Deposition of First Data scheduled for June 13, 2018 was withdrawn. A Notice of Withdrawal of 30(b)(6) Deposition was also served by e-mail to Defendant First Data's counsel on May 13, 2018.

The Notice of the 30(b)(6) Deposition that is at issue in Defendant First Data's Motion for Protective Order [ECF No. 43] has been withdrawn. There now is no Notice of 30(b)(6) Deposition outstanding in this case. Defendant First Data's Motion for Protective Order [ECF No. 43] is moot.

Plaintiff's withdrawal of the Notice of 30(b)(6) Deposition makes the scheduled telephonic hearing on May 18, 2018 unnecessary, and provides Defendant First Data the protection it seeks at this time. The Plaintiff therefore requests that the Court adjourn and cancel the scheduled May 18, 2018 teleconference hearing.

Very truly yours,
/s/ Shawn Shearer
Shawn E. Shearer

cc: All counsel of record (via ECF)